

Robb C. Adkins (SBN 194576)
radkins@winston.com
Krista M. Enns (SBN 206430)
kenns@winston.com
Seth Weisburst (SBN 259323)
sweisburst@winston.com
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111-5840
Telephone: (415) 591-1000
Facsimile: (415) 591-1400

Lawrence M. Hill (*pro hac vice*)
lhill@winston.com
Alexa Perlman (*pro hac vice*)
aperlman@winston.com
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-6700
Facsimile: (212) 294-4700

Lowell D. Jacobson (*pro hac vice*)
ljacobson@winston.com
Adrianne Rosenbluth (*pro hac vice*)
arosenbluth@winston.com
WINSTON & STRAWN LLP
35 W. Wacker Dr.
Chicago, IL 60601-9703
Telephone: (312) 558-5600
Facsimile: (312) 558-5700

Brooke Goldstein (*pro hac vice*)
brooke@thelawfareproject.org
Amanda Berman (*pro hac vice*)
amanda@thelawfareproject.org
THE LAWFARE PROJECT
633 Third Avenue, 21st Floor
New York, NY 10017
Telephone: (212) 339-6995

Attorneys for Plaintiffs
JACOB MANDEL, CHARLES VOLK,
LIAM KERN, SHACHAR BEN-DAVID,
MICHAELA GERSHON, MASHA MERKULOVA,
and STEPHANIE ROSEKIND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JACOB MANDEL, et al.,

Plaintiffs,

v.

BOARD OF TRUSTEES of the CALIFORNIA
STATE UNIVERSITY, et al.,

Defendants.

Case No. 17-cv-3511-WHO

**PLAINTIFFS' RESPONSE TO
PROPOSED AMICUS OPEN
HILLEL'S UNAUTHORIZED REPLY
BRIEF [ECF NO. 152]**

1 On June 15, 2018, Dan Siegel, counsel for proposed amicus Open Hillel, filed a “Reply to
2 Plaintiffs’ Opposition to Open Hillel’s Motion for Leave to file Amicus Curiae Brief” (ECF No. 152,
3 the “Reply”).

4 Such a reply brief is not permitted. By operation of Civil Local Rule 7-11(c), “a Motion for
5 Administrative relief is deemed submitted for immediate determination without hearing on the day
6 after the opposition is due.” Plaintiffs’ Opposition was due and was filed on May 29, 2018 (ECF
7 No. 142) and the motion for administrative relief was thus deemed submitted for immediate
8 determination on May 30, 2018. Thereafter, “[u]nless otherwise ordered” by the Court, no further
9 submissions were appropriate, and no such order has been made. Open Hillel cannot claim that their
10 motion is something other than a motion for administrative relief governed by Local Rule 7-11—
11 they captioned their motion as an “*Administrative Motion* for Leave to File Amicus Brief” (ECF No.
12 141) (emphasis added).

13 Plaintiffs’ counsel wrote to Mr. Siegel via email, on June 16, 2018, to inform him that his
14 filing was improper and requesting that it be voluntarily withdrawn. Having received no response,
15 Plaintiffs’ counsel sent a second email on June 19, 2018, to follow up and inquire whether Mr.
16 Siegel would withdraw the filing or had any other response. To date, Plaintiffs have received no
17 response from Mr. Siegel or Open Hillel offering any basis for filing the Reply when it is clearly
18 prohibited by Local Rule 7-11.

19 Plaintiffs request that the Court disregard Open Hillel’s improper Reply in its entirety and
20 deny Open Hillel’s motion for leave to file an amicus brief (ECF No. 141). A proposed order to that
21 effect is filed concurrently with this response.

22 Dated: July 2, 2018

WINSTON & STRAWN LLP

23 By: /s/ Seth Weisburst
24 Seth Weisburst

25 Attorneys for Plaintiffs
26 JACOB MANDEL, CHARLES VOLK,
27 LIAM KERN, SHACHAR BEN-DAVID,
28 MICHAELA GERSHON, MASHA
MERKULOVA, and STEPHANIE ROSEKIND